IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 1016 of 2003(C)

CRA.282/2001 of ADDL.SESSIONS COURT, KOTTAYAM
ST.1507/1998 of JUDL. MAGISTRATE OF FIRST CLASS, ERATTUPETTA

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REVN. PETITIONER: APPELLANT/ACCUSED

BABY MATHEW, S/O. MATHEW, MUTHUPLACKAL HOUSE, CHENNAD P.O., POONJAR THEKKEKARA VILLAGE

BY ADV. SRI.MATHEW JOHN
SRI.BABY THOMAS

RESPONDENTS: RESPONDENTS/STATE AND COMPLAINANT

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1. THE STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR.

2. T.V.JOSEPH, THEKKEVAYALIL HOUSE, CHENNAD P.O., POONJAR THEKKEKARA VILLAGE.

BY ADV. SRI.BABY THOMAS

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.3747/03 IN CRL.R.P.NO1016/03:

CLOSED

19/12/2006 SD/- R. BASANT, JUDGE.

//TRUE COPY//

R. BASANT, J.

CRL.R.P.NO. 1016 OF 2006

Dated this the 19th day of December, 2006

ORDER

This revision petition is directed against a concurrent verdict of guilty, conviction and sentence in a prosecution under Section 138 of the N.I. Act.

2. When this revision petition came up for hearing, it is submitted at the Bar by counsel for the rival contestants that the matter has been settled and the offence has been compounded by the complainant. A joint compromise petition duly signed by the rival contestants and counter signed by their respective counsel is also filed. The learned counsel for the respondent/ complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence under Sec.138 of the N.I. Act is now compoundable after the amendment to the N.I. Act. I am satisfied, from the submissions made at the Bar and the joint statement filed by them, that the parties have settled their

dispute amicably. I find no reason not to accept the composition.

4. **In the result:**

(a) Crl.M.A.No. 12918 of 2006 is allowed and the composition is accepted.

(b) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Sec.138 of the N.I. Act as stipulated under Sec.320(8) of the Cr.P.C.

(c) Consequently, this revision petition is allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

5. It is submitted that an amount of Rs.16,250/- is lying in deposit before the trial court. Parties agree that the said amount can be released to the petitioner/accused. It is directed that if the amount is lying in deposit, the same shall be released forthwith to the revision petitioner/accused.

(R. BASANT, JUDGE)

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